

**FILED  
UNDER  
SEAL**

Prob12C  
D/NV Form  
Rev. March 2017

United States District Court  
for  
the District of Nevada

---

---

PETITION FOR WARRANT  
FOR OFFENDER UNDER SUPERVISION

---

---

Name of Offender: **Virlee Osborne**

Case Number: **2:17CR00211**

Name of Sentencing Judicial Officer: **Honorable Andrew P. Gordon**

Date of Original Sentence: **March 21, 2019**

Original Offense: **Possession of a Stolen Firearm**

Original Sentence: **54 months custody; 36 months TSR.**

Date of Prior Revocation: **June 21, 2023**

Revocation Sentence: **3 months custody; 29 months TSR**

Date Supervision Commenced: **September 18, 2023**

Name of Assigned Judicial Officer: **Honorable Andrew P. Gordon**

---

---

PETITIONING THE COURT

☒ To issue a warrant.

---

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Drug Testing** – You must submit to substance abuse testing to determine if you have used a prohibited substance. *Testing shall not exceed 104 tests per year.* You must not attempt to obstruct or tamper with the testing methods.

A. On October 10, 2023, Osborne failed to report to drug testing as instructed.

**RE: Virlee Osborne**

Prob12C  
D/NV Form  
Rev. March 2017

- B. On October 11, 2023, Osborne reported to the United States Probation Office in order to provide a urine specimen for a drug screen. Osborne attempted to use a subterfuge device to circumvent to the drug testing requirements. The observing officer found Mr. Osborn in possession of a plastic syringe device with a prosthetic penis.
2. **Refrain From Unlawful Use of Controlled Substance** - The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually. Revocation is mandatory for refusal to comply.
- A. On September 21, 2023, Osborne submitted a drug test which yielded positive results for methamphetamine and Phencyclidine (PCP) Osborne admitted to using both of these drugs prior to the test.
- B. Osborne admitted to his substance abuse counselor that he used methamphetamine and Phencyclidine (PCP) on October 3, 2023.
- C. On October 11, 2023, Osborn attempted to use a subterfuge device during a drug test. The device failed and spilled an unknown substance onto Mr. Osborne. Following the discovery and seizing of the device, Osborne tested positive for Methamphetamine and Phencyclidine (PCP). Osborn admitted to using both drugs on this same day.

**U.S. Probation Officer Recommendation:**

The term of supervision should be:

☒ Revoked

I declare under penalty of perjury that the information contained herein is true and correct,

Executed on **October 12, 2023**



Digitally signed by  
Deleyna Joseph  
Date: 2023.10.12  
14:37:27 -07'00'

---

Deleyna Joseph  
United States Probation Officer

**RE: Virlee Osborne**

Prob12C  
D/NV Form  
Rev. March 2017

Approved:



Digitally signed by Steve  
Goldner  
Date: 2023.10.12 14:30:09  
-07'00'

Joy Gabonia  
Supervisory United States Probation Officer

---

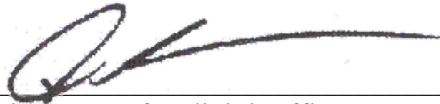
---

***THE COURT ORDERS***

---

---

- ☐ No Action.
- ☒ The issuance of a warrant.
- ☐ The issuance of a summons.
- ☐ Other:



Signature of Judicial Officer

October 12, 2023

Date

**RE: Virlee Osborne**

Prob12C  
D/NV Form  
Rev. March 2017

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA  
UNITED STATES V. VIRLEE OSBORNE, 2:17CR00211**

---

**SUMMARY IN SUPPORT OF PETITION FOR WARRANT  
October 12, 2023**

---

On March 21, 2019, Your Honor sentenced Osborne to 54 months custody followed by 36 months of supervised release for committing the offense of Possession of a Stolen Firearm. Supervision commenced in the District of Nevada on March 25, 2022.

On June 21, 2023, Your Honor revoked Osborne's term of supervision and sentenced him to 3 months custody followed by 29 months of supervised release. Specifically, Osborne was found in violation of failing to refrain from using a controlled substance, failing to report to drug testing as instructed, and not completing the Residential Reentry Center (RRC) requirements. Supervision commenced for his second term of supervised release on September 18, 2023.

On September 21, 2023, Osborne reported to the United States Probation Office after being released from custody as instructed. A drug test was administered, and Osborne submitted a drug test which yielded a positive result for methamphetamine. He admitted to using methamphetamine and the National Laboratory confirmed this positive. In response to this positive drug test, Osborne was placed into outpatient mental health and substance abuse treatment. On October 4, 2023, during Osborne's mental health and substance abuse assessment, he admitted to the clinician that he had used Phencyclidine (PCP) the day prior to this assessment on October 3, 2023.

On October 10, 2023, Osborne failed to report to drug testing as instructed. The following day, October 11, 2023, Osborne was instructed to report to the United States Probation Office to submit to drug testing. Osborne reported as instructed. During submission of his drug test Osborne was found with a plunger for a syringe hidden in his genital area. Mr. Osborne first lied to the probation officer by stating he only had the device as a means to "straighten his penis". after discovering liquid spilling on his pants and a second piece of the device that was a cylindrical vessel shaped like a prosthetic penis, Osborne admitted that he was using a device to circumvent the drug testing procedure. Additionally, Osborne admitted to the undersigned officer to using methamphetamine and PCP "a few days ago". Osborne submitted to drug testing which yielded a presumptive positive for these admitted substances.

It should be noted that in Osborne's previous term of supervision he was caught using a subterfuge device on February 16, 2023. A warrant was issued for Mr. Osborne after this event and he was ultimately revoked as stated above. Thus, for the second time in less than 8 months Osborne has appeared for drug testing and attempted to use a subterfuge device in an attempt to circumvent the drug testing procedure. Pursuant to 18 U.S.C. § 3583 (g)(3) revocation is mandatory for refusal to comply with drug testing imposed as a condition of supervised release.

**RE: Virlee Osborne**

Prob12C  
D/NV Form  
Rev. March 2017

Osborne is not new to the criminal justice system and has previous convictions for weapons, drugs, and crimes of violence. In addition to his federal conviction in 2019, Osborne has the following convictions:

Contributing to the Delinquency of a Minor (1990)  
Contributing to the Delinquency of a Minor (1990)  
Carrying a Concealed Weapon (1990)  
Possession of Drug Not Introduced into Commerce (1990)  
Loiter Private Property (1990)  
Battery with a Deadly Weapon (1991)  
Trespass (1994)  
Robbery with a Deadly Weapon (1995)  
Attempt Assault on a Correctional Officer by a Prisoner (2003)  
Violation on Highway Laned for Traffic (2013)  
Driving without Valid License (2013)  
Hit and Run Property Damage (2013)  
Basic Speed (2013)  
Possess Less than 1oz of Marijuana (2013)  
Use/Possess Drug Paraphernalia (2014)  
Possess Less than 1oz of Marijuana (2014)  
Driving without Due Care (2014)  
Possession of Drug Not for Interstate Commerce (2014)  
Possession of Drug Not for Interstate Commerce (2015)  
Battery (2015)  
Trespassing (2016)  
Obstructing/ False Info to Police Officer (2017)

Osborne commenced this term of supervision less than a month ago after being revoked for similar behavior. Given Osborne's continued noncompliant behavior and his inability to cease his use of methamphetamine and PCP, he is viewed as a threat to himself and the community. At this time the District of Nevada respectfully recommends the issuance of a warrant to initiate revocation proceedings.

Respectfully submitted,



Digitally signed by  
Deleya Joseph  
Date: 2023.10.12 14:37:02  
-07'00'

---

Deleya Joseph  
United States Probation Officer

Approved:

**RE: Virlee Osborne**

Prob12C  
D/NV Form  
Rev. March 2017



Digitally signed by Steve Goldner  
Date: 2023.10.12 14:30:49 -07'00'

---

Joy Gabonia  
Supervisory United States Probation Officer